



CITY COUNCIL AGENDA
February 1, 2010

TYPE OF ITEM

SUBJECT

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

ANNOUNCEMENTS

MATTERS BY THE PUBLIC

Public comment will be permitted until 7:35 p.m. (limit of 3 minutes per speaker) and at the end of the meeting on any item, including items on the agenda, provided that a public hearing is not planned or has not previously been held on the matter. Persons are asked to sign up in advance of the start of the meeting.

COUNCIL RESPONSES TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA* (Items removed from the consent agenda will be considered at the end of the regular agenda)

a. Minutes of January 4

b. **APPROPRIATION:** \$292,000 – Insurance Reimbursement for Transit (2nd of 2 readings)

c. **APPROPRIATION:** Amending FY 2010 Budget to Appropriate \$2,351,744 in Transit Grant Funds (2nd of 2 readings)

d. **APPROPRIATION:** \$100 – Donation to Police Department (1st of 1 reading)

e. **APPROPRIATION:** \$11,500 – Piedmont Housing Alliance Loan Payoff (1st of 2 readings)

f. **APPROPRIATION:** \$1,000 – First Tee Contribution from Sam's Club (1st of 1 reading)

g. **APPROPRIATION:** \$38,063 – Youth Internship Program Grant (1st of 2 readings)

h. **RESOLUTION:** Special Use Permit for Boarding House at 632 Preston Place (1st of 1 reading)

i. **RESOLUTION:** Authorizing Application for State Transit Funding (1st of 1 reading)

j. **ORDINANCE:** Amending Street Acceptance Policy (2nd of 2 readings)

k. **ORDINANCE:** Abandoning Gas Easement on Old Ivy Road to U. Va. (2nd of 2 readings)

l. **ORDINANCE:** Zoning Text Amendment re: Veterinary Clinics and Kennels in Highway Mixed Use District (1st of 2 readings)

**2. PUBLIC HEARING
ORDINANCE***

Conservation Easement to the Nature Conservancy across City-owned Lands near Brandywine Drive and through Greenbrier Park (1st of 2 readings)

3. REPORT

Affordable Housing Strategy

4. REPORT

Charlottesville Redevelopment and Housing Authority End of Year Report

5. REPORT

Transit

6. REPORT

Community Prenatal Care

7. REPORT*

Sister Cities Clock Competition

OTHER BUSINESS
MATTERS BY THE PUBLIC
ADJOURNMENT

*ACTION NEEDED (appropriations require 2 readings; ordinances require 2 readings; resolutions require 1 reading)
Reasonable accommodations will be provided for persons with disabilities if requested.

APPROPRIATION
Sam's Club Foundation Community Grant
\$1,000

WHEREAS, the City of Charlottesville, through The First Tee of Charlottesville, has received a Community Grant from The Sam's Club Foundation in the amount of \$1,000;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,000, received from The Sam's Club Foundation, is hereby appropriated in the following manner:

Revenue

\$1,000 Fund: 609 Cost Center: 3821001000 G/L Account: 451022

Expenditures

\$1,000 Fund: 609 Cost Center: 3821001000 G/L Account: 599999

Approved by Council
February 1, 2010


Clerk of City Council

APPROPRIATION
City Resident Donation

\$100

WHEREAS, the City of Charlottesville, through the Police Department, has received a general donation of \$100 from a City resident which will be used for expenses related to the Police Department's Chaplain program;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$100, received from a City resident, is hereby appropriated in the following manner:

Revenue – \$100

\$100	Fund: 105	I/O: 2000063	G/L Account: 451020
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Expenditures - \$100

\$100	Fund: 105	I/O: 2000063	G/L Account: 520990
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$100 from the City resident.

Approved by Council
February 1, 2010


Clerk of City Council

APPROPRIATION
Transit Division Capital Project Funds
\$2,351,744

WHEREAS, Federal Capital Grant Funds have been awarded to the City of Charlottesville in the amount of \$2,351,744 in American Recovery and Relief Act funds;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner, contingent upon receipt of the grant funds:

Revenue (Capital)

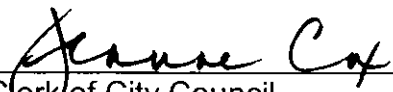
\$2,351,744 Fund: 245 Cost Center: 2824001000 G/L: 431120 Fed ARRA

Expenditures (Capital)

\$2,212,544 Fund: 245 Cost Center: 2824001000 G/L: 541040 ACI Vehicle
\$ 139,200 Fund: 245 Cost Center: 2824001000 G/L: 541090 ACI Equip.

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$2,351,744 from the Federal Transit Administration.

Approved by Council
February 1, 2010


Clerk of City Council

APPROPRIATION
Insurance Recovery
\$292,000

WHEREAS, Insurance recovery for CTS vehicle #104 was received by the City of Charlottesville in the amount of \$292,000 from Virginia Transit Liability Pool

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenue

\$292,000 Fund: 245 Cost Center: 2804001000 G/L Account: 451110

Expenditures

\$263,348 Fund: 245 Cost Center: 2804001000 G/L Account: 540151
\$ 28,652 Fund: 245 Cost Center: 2804001000 G/L Account: 599999

Approved by Council
February 1, 2010



Clerk of City Council

Resolution Authorizing the Application for State Aid to Public Transportation

BE IT RESOLVED by the Charlottesville City Council that the Transit Manager is authorized, for and on behalf of the City of Charlottesville, hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$6,605,791 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize the Transit Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Charlottesville City Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$2,145,836 which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Clerk of Council of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Charlottesville City Council held on the 1st day of February, 2010.

If applicant has an official seal
(Official Seal goes here)



(Signature of Recording Officer)

Clerk of City Council
(Title of Recording Officer)

February 1, 2010
(Date)

**RESOLUTION GRANTING A SPECIAL USE PERMIT
TO ALLOW A BOARDING HOUSE AT 632 PRESTON PLACE**

WHEREAS, JRB Preston Place LLC, with the consent of Phi Mu Fraternity Housing Corporation, owner of the property at 632 Preston Place, has requested a special use permit with respect to the property identified on City Tax Map 5 as Parcel 124, consisting of approximately 10,366 square feet ("Subject Property"), to allow use of the Subject Property as a boarding house; and

WHEREAS, the Subject Property is classified as "R-3H" (Residential with Historic overlay) zoning district and, pursuant to §34-420 of the City Code, such modifications for use of the property are allowed by Special Use Permit; and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on January 12, 2010, this Council finds that such use is allowed under City Code Section 34-420, and will conform to the criteria applicable to special permits generally under Chapter 34 of the City Code; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit is hereby approved and granted to JRB Preston Place LLC, with the consent of Phi Mu Fraternity Housing Corporation, owner of the property at 632 Preston Place, to allow use of the property at 632 Preston Place as a boarding house. This special use permit is approved subject to the following conditions:

1. The occupancy shall be restricted to 10 persons in the primary structure.
2. The applicant shall make changes to the building as required by the building code official to meet the current building code requirements for this use. These changes shall be installed prior to occupancy.
3. The cottage shall be used as a separate unit from the boarding house upon meeting the required building code requirements. Parking for this unit shall be provided on site.
4. Up to 4 tenant parking spaces may be located on site, and one additional parking space, reserved for guests, may be located on site if such additional spaces do not conflict with the requirements of paragraph 7 below.
5. The applicant shall install landscaping in the front yard to provide visual buffers for the parking area. These changes shall be subject to approval by the BAR.
6. The property owner shall provide the City's property maintenance office with the contact information of a local representative responsible for addressing property maintenance issues and violations identified by City staff.
7. The applicant shall provide a site plan amendment that reduces the amount of parking in the front and side yards in an effort to bring this property toward conformity to current front and side yard parking regulations. These changes are subject to approval by the BAR.

8. The applicant shall include bicycle parking equivalent to the maximum bicycle space requirement outlined in the Zoning Ordinance.
9. An appropriate landscape buffer shall be developed and maintained to provide adequate separation and privacy for the adjacent single family neighbor. These changes are subject to approval by the BAR.

Approved by Council
February 1, 2010


Clerk of City Council

**AN ORDINANCE
AMENDING AND REORDAINING ARTICLE I
OF CHAPTER 28 (STREETS AND SIDEWALKS) BY ADDING
A NEW SECTION NUMBERED 28-32,
RELATING TO THE CITY'S ACCEPTANCE OF STREETS.**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that there is hereby added a new section, to be numbered 28-32, to Article I of Chapter 28 of the Charlottesville City Code, 1990, as amended, to read as follows:

ARTICLE I. IN GENERAL

...

Sec. 28-32. Acceptance of streets.

(a) Upon receipt of a written request from a developer of, or property owner within, a development that is the subject of a site plan or subdivision, and after receiving verification from the Department of Neighborhood Development Services and the Department of Public Works that a proposed public street and public improvements associated with the development have been constructed in accordance with all applicable statutes, regulations, ordinances, guidelines, design and construction standards for acceptance or approval of the improvements, City Council may accept such a proposed public street within the City limits for maintenance and delivery of City services.

(b) If work substantially ceases on any development that is the subject of a site plan or subdivision for a period in excess of ninety (90) days subsequent to issuance of a certificate of occupancy for any building or unit within the development that is not yet served by an accepted street and public improvements, the Director of Neighborhood Development Services may utilize the public improvement bond or other performance guarantee posted by the developer to complete all streets and public improvements associated with the development to serve such building or unit.

(c) Within ninety (90) days from the issuance of a certificate of occupancy for the final unit or building within a development that is the subject of a site plan or subdivision, the developer shall complete to city standards all streets and public improvements associated with the development. In the event of noncompliance, the Director of Neighborhood Development Services may utilize the public improvement bond or other performance guarantee posted by the developer to complete all streets and public improvements associated with the development.

Approved by Council
February 1, 2010



Clerk of City Council

**AN ORDINANCE
AUTHORIZING THE ABANDONMENT OF
A PORTION OF A NATURAL GAS EASEMENT OFF OLD IVY ROAD
GRANTED TO THE CITY BY UVA IN 1990**

WHEREAS, the University of Virginia (the "University") is the owner of property located on Old Ivy Road (Albemarle County Tax Map 60, Parcels 49B and 49C) in the County of Albemarle; and

WHEREAS, the University has requested abandonment of a portion of the permanent natural gas easement granted to the City by deed dated October 5, 1990, of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 1138, page 631, which crosses the above-referenced property; and

WHEREAS, the existing gas line easement and the relocated portion of said easement are shown on the attached plat dated January 4, 2010, made by Dewberry & Davis LLC; and

WHEREAS, the Gas Division Superintendent has reviewed the request and determined that the City no longer has a need for the above-described easement, subject to a condition that UVA grant the City a new easement over the relocated portion of the gas line; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the abandonment of this easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Abandonment of Easement, in form approved by the City Attorney, to abandon the above-described natural gas easement. This ordinance is conditioned upon receipt by the City Attorney of a Deed of Easement, signed by a duly authorized official for the University of Virginia, for the relocated portion of the gas line.

Approved by Council
February 1, 2010


Clerk of City Council